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Paper No. 15

Silverbrook Research Pty. Ltd.  
393 Darling Street  
Balman, 2041  
Australia

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In re Application of  
Gregory J. McAvoy  
Application No. 09/693,079  
Filed: October 20, 2003  
Attorney Docket No. MJ20US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2003, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 3, 2003, which set a shortened statutory period for reply of One Month or Thirty Days from the mailing date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 4, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$420 extension of time submitted with the petition on October 24, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded in due course.

The application file is being forwarded to Technology Center AU 1775.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy